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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

Cheryl Bagby,

Plaintiff

v.

Portfolio Recovery Associates, LLC,

Defendant.

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Case No. \_\_\_\_\_

COMPLAINT FOR VIOLATIONS OF FAIR  
DEBT COLLECTION PRACTICES ACT  
AND CONSUMER PROTECTION ACT

JURY REQUESTED

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d).

2. This action arises out of Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").

COMPLAINT-1

3. Venue is proper in this District because the acts and transactions occurred here and Plaintiff resides here.

#### PARTIES

4. Plaintiff Cheryl Bagby (hereinafter “Plaintiff”) is a natural person who resides in the City of Oregon City and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

5. Portfolio Recovery Associates, LLC (hereinafter “PRA”) is licensed to conduct business in the state of Oregon and is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

#### FACTUAL ALLEGATIONS

6. Plaintiff owed a debt to Capitol One, which she incurred for personal use.

7. In 2008 Capitol One hired Derrick McGavic (“McGavic”) to collect the debt owed by Plaintiff.

8. In 2008 McGavic sued Plaintiff on behalf of Capitol One.

9. Plaintiff paid McGavic \$1200 in full settlement of the debt she owed to Capitol One.

10. PRA has repeatedly attempted to collect the debt that Plaintiff has paid in full.

11. For more than a year, PRA has sent demands for payment and called Plaintiff repeatedly, in an attempt to collect the debt, after being told numerous times by Plaintiff that the debt has been paid.

12. PRA has used profane language when speaking to Plaintiff.

13. Plaintiff has sent letters to Defendant explaining this debt has been paid.

14. Defendant has accused Plaintiff of lying about the debt.

15. Defendant has called Plaintiff repeatedly, including multiple times a day to collect from Plaintiff after Plaintiff informed Defendant she did not owe the debt.

16. As a direct and proximate result of Defendant's actions Plaintiff has suffered actual damages in the form of emotional distress, anger, anxiety, worry, frustration, among other negative emotions. All of which have added to her ill health in her disabled condition.

TRIAL BY JURY

17. Plaintiff is entitled to and hereby respectfully demands a trial by jury. US Const. amend. 7. Fed. R. Civ. Pro. 38.

CAUSES OF ACTION

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

18. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as thoughtfully stated herein.

19. The foregoing acts and omissions of Defendant constitute numerous and multiple violations of the FDCPA including, but not limited to, 15 U.S.C. § 1692c(c), 1692d, 1692d(2), 1692d(5), 1692e, 1692e(2), 1692e(10), 1692f, and 1692f(1).

20. As a result of Defendant's violations of the FDCPA, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendants for:

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

for an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against Defendant;

for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A)  
against Defendant.

for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. §  
1692k(a)(3) against Defendant.

DATED: September 21, 2012

/s/ Keith D. Karnes  
Keith D. Karnes OSB # 03352  
Attorney for Plaintiff